

STANDARD APPLICATION
Harford County
Board of Appeals

Bel Air, Maryland 21014

APR 23 2004

HARFORD COUNTY COUNCIL

Case No. 5427
Date Filed 4-22-04
Hearing Date _____
Receipt _____
Fee \$400⁰⁰

Shaded Areas for Office Use Only

Type of Application

Nature of Request and Section(s) of Code _____

- ☐ Administrative Decision/Interpretation
☐ Special Exception
☐ Use Variance
☐ Change/Extension of Non-Conforming Use
☐ Minor Area Variance
☐ Area Variance
☐ Variance from Requirements of the Code
☐ Zoning Map/Drafting Correction
☐ _____

CASE 5427 MAP 10 TYPE Special Exception

ELECTION DISTRICT 5 LOCATION 590 Wheeler School Road, Whiteford, Md. 21160

BY Christopher & Debbie Koerner

Appealed because a special exception pursuant to Section 267-53D(1) of the Harford County Code
to allow commercial vehicles storage in an Agricultural District requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Owner (please print or type)

Name Christopher Koerner Phone Number 410 836 1924
Address 590 Wheeler School Rd. Whiteford MD 21160
Street Number Street City State Zip Code

Co-Applicant Debbie Koerner Phone Number 410 836 1924
Address 590 Wheeler School Rd Whiteford MD 21160
Street Number Street City State Zip Code

Contract Purchaser _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Attorney/Representative _____ Phone Number _____
Address _____
Street Number Street City State Zip Code

Land Description

Address and Location of Property 590 Wheeler School Rd Whiteford,

MD 21160

Subdivision Rolling View Farm

Lot Number 8

Acreage/Lot Size 8.29

Election District Fifth

Zoning AG

Tax Map No. 10 Grid No. 1E Parcel 12 Water/Sewer: Private ☒ Public ☐

List ALL structures on property and current use: 2200 sq. ft. house - residence

(2) 33x30 pole barns - storage (1) 10x16 storage shed

Estimated time required to present case: 10 minutes

If this Appeal is in reference to a Building Permit, state number N/A

Would approval of this petition violate the covenants and restrictions for your property? N/A

Is this property located within the County's Chesapeake Bay Critical Area? Yes ☐ No ☒

If so, what is the Critical Area Land Use designations: _____

Is this request the result of a zoning enforcement investigation? Yes ☐ No ☒

Is this request within one (1) mile of any incorporated town limits? Yes ☐ No ☒

Request

Approval to store (2) commercial vehicles on AG zoned property

Justification

Please see attachment

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

We are requesting approval to store 2 commercial vehicles on our AG zoned property at 590 Wheeler School Rd, Whiteford, MD. The vehicles are used for a family owned septic service which has been in existence for the last four years at this location. The business is owned by Chris & Debbie Koermer and does not require any employees.

The vehicles are currently and will be stored inside existing structures and are not visible. The structures are well presented and well maintained permitted buildings, that are heavily screened by natural woodland.

The service that the business provides is a necessity to the community. We have no intentions of changing anything that the business is already doing. There will be no increase of vehicle traffic, the trucks leave in the morning, occasionally return briefly for lunch, and again at the end of the day. There is no need for on site customers, therefore no increase to the usual traffic volume on Wheeler School Rd. As stated before we are seeking approval to continue operating our family owned and operated septic business.

List of connecting property neighbors

BGE Right of Way

Mr & Mrs Mike Crogan
594 Wheeler School Rd.
Whiteford, MD 21160
(410) 983-0379

Mr & Mrs George Koermer, Sr.
612 Wheeler School Rd.
Whiteford, MD 21160
(410) 452-5721

Ma & Pa Farms
4443 Graceton Rd.
Pylesville, MD 21132
(410) 836-1887

JAMES M. HARKINS
HARFORD COUNTY EXECUTIVE

JOHN J. O'NEILL, JR.
DIRECTOR OF ADMINISTRATION



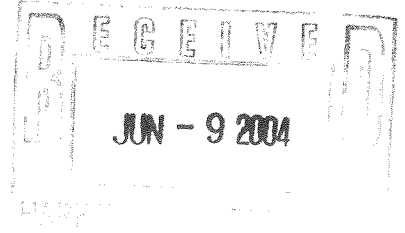
J. STEVEN KAI-ZIEGLER
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

June 9, 2004

STAFF REPORT



BOARD OF APPEALS CASE NO. 5427

APPLICANT/OWNER: Christopher Koermer
590 Wheeler School Road, Whiteford, Maryland 21160

Co-APPLICANT: Debbie Koermer
590 Wheeler School Road, Whiteford, Maryland 21160

REPRESENTATIVE: Applicants

LOCATION: 590 Wheeler School Road/Rolling View Farms
Tax Map: 10 / Grid: 1E / Parcel: 12 / Lot: 8
Election District: Fifth (5)

ACREAGE: 8.29 acres

ZONING: AG/Agricultural

DATE FILED: April 22, 2004

HEARING DATE: June 30, 2004

APPLICANTS' REQUEST and JUSTIFICATION:

Request:

"Approval to store (2) commercial vehicles on AG zoned property."

~ Preserving our values, protecting our future ~

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410-638-3000 • 410-879-2000 • TTY 410-638-3086 • www.co.ha.md.us

This document is available in alternative format upon request.

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Christopher & Debbie Koermer

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Justification:

See Attachment 1.

CODE REQUIREMENTS:

The Applicants are requesting a special exception pursuant to Section 267-53D(1) of the Harford County Code to allow commercial vehicle storage in an Agricultural District.

Section 267-53D(1) of the Harford County Code reads:

D. Motor Vehicle and related services.

(1) Commercial vehicle and equipment storage and farm vehicle and equipment sales and service. These uses may be granted in the AG District, and commercial vehicle and equipment storage may be granted in the VB District, provided that:

(a) The vehicles and equipment are stored entirely within an enclosed building or fully screened from view of adjacent residential lots and public roads.

(b) The sales and service of construction and industrial equipment may be permitted as an accessory use incidental to the sales and service of farm vehicles and equipment.

(c) A minimum parcel area of two (2) acres shall be provided.

Enclosed with the report is a copy of Section 267-51 and 267-52 of the Harford County Code (Attachment 2).

Section 267-9I of the Harford County Code will be discussed in detail later in the report.

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The Applicants' property is located in the northern end of the County, on the north side of Wheeler School Road, west of Pylesville Road (MD Route 165). The lot is part of a recorded subdivision by the name of Rolling View Farms. A location map and a copy of the Applicants' site plan are enclosed with the report (Attachments 3 and 4).

The subject property is located outside of the Development Envelope. The predominant land use in this area of the County is Agriculture/AG Residential. The Natural Features Map reflects stream buffer systems and Agricultural Preservation Districts and Easements. The Applicants' property is designated as Agriculture/AG Residential, which is defined by the 1996 Master Plan as:

Agriculture/AG Residential – Areas where agriculture is the primary land use. Where developments rights are available, residential development at a density of 1.0 dwelling

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Christopher & Debbie Koermer

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unit for every 10 acres is possible. Commercial uses within this area are intended to serve the agriculture industry or residents of the area.

Enclosed with the report are copies of portions of the 1996 Land Use Map and the Natural Features Map (Attachments 5 and 6).

Land Use – Existing:

The existing land uses conform to the overall intent of the 1996 Master Plan. The predominant land use in this area of the County is agriculture, which includes cropland, pastureland and large areas of dense woodland. The topography of the area ranges from rolling to steep, especially near the stream valleys (Attachment 7). There are a few small single-family subdivisions in the area. The subject lot is part of a small, single-family development created in the late 1980s and recorded as Rolling View Farms (Attachment 8). Enclosed with the report is a copy of the aerial photograph (Attachment 9).

The property is a uniquely shaped lot approximately 8.29 acres in size. The topography of the lot ranges from rolling to steep, which is typical for this area of the County. There is a stream traversing the property and a pond to the rear of the existing improvements as shown on Attachment 8. The property is densely wooded and the improvements are not visible from the road or adjacent properties. Improvements consist of a two-story stone and frame dwelling with an attached two-car garage. Attached to the rear of the dwelling is a deck and immediately to the rear of the deck is an above ground pool with decking. To the left of the dwelling are two two-bay pole buildings (garages). In front of the garages and to the right and rear is a gravel parking and turning area. Between the dwelling and the garages is a frame storage building. The property has two points of access, a blacktopped driveway serving as access to the dwelling and a gravel driveway leading to the garages and vehicle storage area. The Baltimore Gas and Electric Company owns the land adjoining to the left or west side, and within the easement are high-tension power lines. Lot 9 adjoining to the north is approximately 8.49 acres in size. The Applicants' parents own the property adjoining to the east. Permits have been issued for all of the improvements. Enclosed with the report is an enlargement of the aerial photograph and site photographs (Attachments 10 and 11).

Zoning:

The overall zoning classifications conform to the intent of the 1996 Master Plan and existing land uses. The predominant zoning classification is AG/Agricultural. There are a few areas of commercial zoning along MD 165 and MD 136. The subject lot is zoned AG/Agricultural as shown on the enclosed copy of the Zoning Map (Attachment 12).

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SUMMARY:

The Applicants are requesting a special exception pursuant to Section 267-53D(1) of the Harford County Code to allow commercial vehicle storage in an Agricultural District.

Section 267-53D(1):

D. *Motor Vehicle and related services.*

- (1) *Commercial vehicle and equipment storage and farm vehicle and equipment sales and service. These uses may be granted in the AG District, and commercial vehicle and equipment storage may be granted in the VB District, provided that:*

The subject property is zoned AG/Agricultural.

- (a) *The vehicles and equipment are stored entirely within an enclosed building or fully screened from view of adjacent residential lots and public roads.*

The vehicles are currently and will continue to be stored in the existing buildings. Due to the topography of the site and the dense woodland, the buildings and vehicles are not visible from the road or from adjacent properties.

- (b) *The sales and service of construction and industrial equipment may be permitted as an accessory use incidental to the sales and service of farm vehicles and equipment.*

Not applicable to the request.

- (c) *A minimum parcel area of two (2) acres shall be provided.*

The Applicants' lot is 8.29 acres in size.

Section 267-9I:

- (1) *The number of persons living or working in the immediate area.*

There are no major residential developments in the area. The primary land use is agriculture. The vehicles (a one-ton pickup truck and a septic service truck) are common in type and size as typically found in a farming community. The trucks are stored inside of the existing buildings and are screened by existing forest from the adjacent properties. Therefore, there should be no impact to persons living or working in the area.

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- (2) *Traffic conditions, including facilities for pedestrians, such as sidewalks and parking facilities, the access of vehicles to roads; peak periods of traffic, and proposed roads, but only if construction of such roads will commence within the reasonably foreseeable future.*

Wheeler School Road is a paved County Road. The sight distance from the Applicants' driveway is good in both directions.

- (3) *The orderly growth of the neighborhood and community and the fiscal impact on the County.*

The proposed use is permitted in the AG/Agricultural District as a special exception with Board Approval. The Code established guidelines to be used to approve the proposed use, and as discussed in this report the Applicants can meet or exceed the standards. The Applicants, Chris and Debbie Koermer, own and operate a septic service business and require no other employees. They provide a necessary service to residents of this area of the County.

- (4) *The effect of odors, dust, gas, smoke, fumes, vibration, glare and noise upon the use of surrounding properties.*

The Applicants' two vehicles should have no greater impact on the neighborhood than the existing farming equipment and tractor-trailers used to transport goods within the community.

- (5) *Facilities for police, fire protection, sewerage, water, trash and garbage collection and disposal and the ability of the county or persons to supply such services.*

The Harford County Sheriff's Office and the Maryland State Police will provide police protection. The Whiteford Volunteer Fire Department will generally provide fire and emergency protection to the site. The subject site utilizes a private well and septic system. The Applicants are required to arrange for trash collection with a private hauler.

- (6) *The degree to which the development is consistent with generally accepted engineering and planning principles and practices.*

The proposal is consistent with accepted planning principles. There are specific requirements for the storage of commercial vehicles in the AG/Agricultural District, pursuant to Section 267-53 D(1) of the Harford County Code. The Applicants can meet these standards.

- (7) *The structures in the vicinity, such as schools, houses of worship, theaters, hospitals and similar places of public use.*

The proposal will not have an adverse impact on the uses listed in this section.

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- (8) *The purposes set forth in this Part 1, the Master Plan and related studies for land use, roads, parks, schools, sewers, water, population, recreation and the like.*

The proposal is consistent with the intent of the Master Plan.

- (9) *The environmental impact, the effect on sensitive natural features and opportunities for recreation and open space.*

The proposal should have no adverse impact on the environment.

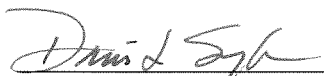
- (10) *The preservation of cultural and historic landmarks.*

Not applicable to the request.

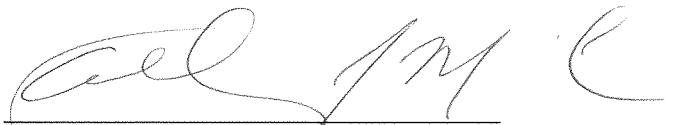
RECOMMENDATION and/or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the requested special exception be approved subject to the following conditions:

1. The Applicants shall obtain all necessary permits for the storage of commercial vehicles on this site.
2. All commercial vehicles shall be stored within the two existing garages as shown on the Applicants' site plan (Attachment 4).



Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review



Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

DJS/ASM/ka